# THE EVENING TELEGRAPH.

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## WASHINGTON.

### IMPORTANT CABINET MEETING.

THE POWER OF MILITARY COMMANDERS TO REMOVE CIVIL OFFICERS—THE ALLEGED OUTRAGES OF THE STATE TROOPS IN TENNESSEE.

The Cabinet meeting to-day was protracted to a later hour than usual, and all of the members were present except Secretary Browning, who was represented by Judge Otto, Assistant Secretary of the Interior. The questions under consideration were the opinion of Attorney-General Stanbery on the power of Military District Commanders to remove officers of the civil Governments, the action of Generals Sheridan and Pope in removing Governor Wells, of Louisiana, and Mayor Withers, of Mobile, and the petition of the citizens of Franklin county, Tennessee, to the President, asking protection from the tyranny of Governor Brownlow's militia. Very little information can be obtained as to whether the Cabinet arrived at any definite conclusion in reference to the case of General Sheridan and Governor Wells, but the probability is that Governor Wells will not be immediately reinstated, although there is some reason to believe that the course of General Sheridan in the matter is not approved. The view taken of the action of General Sheridan by the more prominent officers of the Government, it is stated on good authority, is, that the Reconstruction acts give no authority to district commanders to remove civil officers, and that such military power cannot be exercised except through martial law; that district commanders were created to preserve peace and good order in their districts, and to assist the civil authorities to enforce the laws. In cases where the civil officers fail to do justice in any matter coming under their jurisdiction, commanders have the power of adjusting the matter by military commission, but no authority to remove the offending civil officer. The belief is entertained by many well-informed persons here, that if the opinion of the Attorney-General is adverse to the actions of Generals Sheridan and Pope, in removing civil officers in their districts, or if either of these commanders is relieved, or the deposed officers reinstated, the effect will be to cause Congress to resume their session in July, at the call of the President of the Senate and the Speaker of the House.

In the case of the outrages alleged to have been committed by the Tennessee State militia, instructions have been given to General Thomas, commanding the Department of the Cumberland, to investigate the acts of violence said to have been perpetrated. On Thursday last General Whipple, of General Thomas' staff, was in Winchester county, Tennessee, engaged in examining into the murder of James Brown, of Franklin county. After concluding his investigations General Whipple will report the result to the Department commander, when there can be no doubt whatever that in case the petition and affidavits are found to set forth the facts, summary measures will be taken to protect peaceable and law-abiding citizens from like persecution in the future, and that the work of official decapitation will go on briskly for a time in Tennessee.

The petition of over eight hundred residents of Franklin county, accompanied by numerous affidavits, presented to the President by Mr. Jesse Arlidge, a few nights ago, gives an alarming description of affairs in Tennessee, and information now in possession of the Government proves beyond a doubt that Tennessee is to-day further behind in the work of reconstruction than any other of the Southern States. The petition of the Tennesseeans concludes as follows:—

Your Excellency having been personally acquainted with us as a people, and knowing how dearly we loved our rights, and how jealously we guarded them, can appreciate how exquisitely we felt their loss. But notwithstanding all this, we were content to bear our wrongs in silence, and we would not trouble your Excellency now with our grievances, were it not that the iron heel of despotism upon our necks may no longer be borne. All that is left us are our lives and little property, and although our history since the war is without reproach, as we have shown your Excellency, yet our rulers, affecting to question our loyalty, have organized a band of reckless, dissolute, and irresponsible men, and turned them loose to do their will upon us. We submitted to their humiliating threatenings, being determined to do no act that would afford them a pretext to wreak their malice upon us. The officer in charge, in a public order addressed to our people, announced in a most offensive manner that he had come among us for the purpose of enforcing and bringing criminals to justice, and at the time we had but one more at large under indictment for murder, and he had been absconding and concealing himself for two years to escape arrest upon an indictment for murder perpetrated in 1860, and also for a second murder perpetrated in 1864, while he belonged to the Rebel army. Notwithstanding these facts, and on the face of his published order, the officer in charge received the murderer into his command, and he is now going publicly around, to the terror of the people. We have been informed and believe that the party alluded to is one of the most respectable men in the command, and we refer to him for the reason that he is one of the few men of whose character we can speak with certainty, and not for the purpose of fixing him with an infamy that could distinguish him above his fellows. This band of armed desperadoes, seething with hatred towards our people, and falsely pretending to be the guardians of the law, began their depredations upon us by wanton searches of our homes and the seizure of our property, falsely pretending that they had authority to search our houses and seize our stock as the property of the United States Government. In the exercise of this pretended authority, they have robbed us, cursed and abused our wives and children, and denounced all who questioned their right. They have taken from our farms the means of making their crops in some instances, and appropriated the property so taken to their own use. They maintain the right to take the property of our citizens with impunity. They have kept our community in constant terror by threatening the lives of many of our citizens. They went to the house of one of our citizens in the night time, and fired several shots at him, and he saved his life only by flight. They took another quiet, law-abiding citizen from beside his hearthstone, and despite the tears and prayers of his wife and aged father they took him to the woods and shot him down like a dog. These red-handed murderers are still at large, and are denouncing the most terrible vengeance against all who question their prerogative to rob and slay us at their will. Impoverished as we are, many of our people in that portion of our country have been forced to abandon their houses and their growing crops in order to save their lives, and in every part of our country our people are filled with fear and apprehension; and, indeed, so absolute and complete is the reign of terror they have inaugurated, that many of our people are afraid to meet with us to peaceably present our wrongs to the consideration of your Excellency. This terrible state of affairs is beyond endurance, and inasmuch as this cruel, bloody, lawless band was organized, armed and set over us by our State authorities—inasmuch as it is your duty as Chief Magistrate to see that the laws are faithfully executed—inasmuch as we have the right to peaceably assemble ourselves together to petition for the redress of our grievances, and inasmuch as we have an abiding confidence in your solicitude for the welfare and protection of all law-abiding citizens, without reference to their antecedents, or political sentiments, we, therefore, earnestly entreat your Excellency if you question either the propriety or expediency of removing the lawless band which is oppressing us that you will send to our country a sufficient number of national troops to protect our persons and property, and bring to punishment the murderers of our people.—*N. Y. Herald.*

### *THE INDIAN TROUBLES.*

NO HOPE OF PEACE WITH THE OGALLALLA SIOUX—GENERAL SMITH IN COMMAND OF THE MOUNTAIN DISTRICT—ATTACKS FROM HOSTILE INDIANS.

OMAHA, Nebraska, June 11.—General Buford is here, *en route* to Washington, to represent to the Government that there is no hope for peace from the Ogallalla Sioux.

General J. E. Smith is *en route* to Fort Phil. Kearney, with several hundred recruits. General Smith has been selected by General Grant to command the Mountain District, which includes the whole Powder river country. Large trains are being escorted to Fort Phil. Kearney by his troops and six companies of the Fourth Infantry.

Governor Hunt, of Colorado, is raising volunteers by permission of General Sherman. General Augur is on the march. About twenty men have been killed by Indians during the past week, and about two hundred head of stock stolen. Some days the Indians attack simultaneously half-a-dozen ranches.

—Spelling badly is defined by *Punch* as A, B, C, D-bility.

### *UNITED STATES OF COLOMBIA.*

MOSQUERA'S COUP D'ETAT NOT POPULAR AT BOGOTA—THE DICTATOR TO BE RESISTED.

*From the Panama Star and Herald, June 1.*

It is said the violent steps taken by General Mosquera have given great dissatisfaction in the capital, even among his own party, and that the mob which followed General Aldana, the President of Cundinamarca, to prison, were so vociferous in condemning his arrest that they had finally to be dispersed by the fire of musketry.

Santander, Antioquia, and Tolima are expected to rise in strong force to resist Mosquera.

The Attorney-General of the nation and two of the Judges of the Supreme Court have resigned.

Very stirring news may be looked for by the French steamer on the 28th.

A REVOLUTION IN MAGDALENA — A RIVAL FOR MOSQUERA.

*From the Panama Mercantile Chronicle, May 31.*

The Transatlantic Company's steamer Nouveau Monde, from St. Nazaire, touching at Santa Martha, arrived at Aspinwall on Wednesday evening, the 29th inst., with passengers and the French mails.

By this steamer we have authentic information, through a private channel, that the States of Antioquia, Tolima, Cundinamarca, and Santander have repudiated the authority of General Mosquera, and declared war against his Government.

All communication has been suspended between Honda and Santa Martha, which accounts for the fact that we have received neither our usual files of papers nor any correspondence from Bogota by this arrival.

We have Santa Martha papers to the 24th of May, but owing to the reason already stated, they contain no items of interior news, nor convey any hints as to the situation of affairs in the capital or Mosquera's later doings.

General Riascos, lately first designado, is now fully installed in the position of Constitutional President of the State of Magdalena, and is earnestly working to save the Constitution and protect the State against any attacks by the partisans of Mosquera.

By a decree issued at Santa Martha, dated the 1st of May, the President of Magdalena State, disavowing Mosquera, proceeds to declare himself *pro tem* and *de facto* President of the United States of Colombia.

PROCLAMATION OF RIASCOS.

We append a translation of the proclamation issued by General Riascos, "Constitutional President of the Sovereign State of Magdalena, and accidentally charged with the Executive power of the Union:"—

FELLOW-CITIZENS:—On the unfortunate 29th day of last April the President of the Republic changed his title of Constitutional Chief Magistrate to that of the usurper of the public powers; and from that day has been enthroned in the capital of the Union a dictatorship which, for the last eight months, has been threatening all our liberties.

President Mosquera, who, by his turbulent, anti-republican, seditious conduct, had already blighted his laurels and cancelled his past glories, unable to restrain his unbridled ambition, has now registered his name in the roll of tyrants.

Colombians! The most sacred of your duties is to sustain and defend the Constitution and the laws; and in the present solemn moment I conjure you, in the name of our common country, not to think of President Mosquera as the man who, rising to the dignity of Washington, laid down before the convention of Rio Negro the discretional power with which he had been invested, but the man who, in the violation of his oath, has just trampled on all your institutions.

Colombians! The disloyalty of the first Magistrate of the Republic has accidentally placed in my hands the national executive power; and I call upon you to rally in haste around the constitutional standard. Let us be found grouped around it by the illustrious citizen who, with better right, will yet direct the destinies of our country.

In a short time the first Vice-President (Sr. Gutierrez, who is at present in Paris,) will arrive among us to assume the executive power of the nation. You well know that his presence will be a guarantee of liberty and order, and that his sword threatens the usurper.

With your co-operation, the dictatorial edifice will be soon overthrown, because it has no foundation in public opinion, and is barely sustained by a small number of erring men. Let us have pity on their illusion; that is the proper and only sentiment for noble and generous natures to entertain.

Santa Martha, 12th May, 1867.

(Signed) JOAQUIN RIASCOS.

PROCLAMATION OF DE MOSQUERA.

Tranquillity was secured on the 16th of March by an arrangement between the different liberal sections of the two houses and the executive power, and the nation unanimously, according to data which I now possess, expressed the satisfaction with which it witnessed the reconciliation of citizens of different opinions. Civil war has been inaugurated by the State of Magdalena, notwithstanding the efforts which I have made and make for the suppression of these commotions. A radical fraction of the house will see nothing but tyranny in order, nothing but arbitrariness in exercising the functions of sustaining the laws, nothing but crime and transgression in virtue.

These men, of a presumptuous and anarchical character, betrayed their promises of the 16th of March; destruction is their sole occupation they refuse to supply the President with the means to carry on the Government, and, in short, they have attempted to prove traitors to their country, so only the President might succumb to their influences. You already know their names. They are those who have never sought to promote national prosperity; who by pretending to effect the ruin of the President, his political friends and supporters, enjoy the idea of working destruction. The conservatives of the House, ignoring their declared principles of order and virtue, by their decisive votes, have united with the passionate opposition, and have contributed their share towards exciting social disorder.

Colombians! A message addressed to the President of all the States will convey an exact report of the more important events which have occurred, and indicate the means to be adopted for maintaining intact their autonomy and sovereignty, showing the people that it is sovereign, and that to it belongs the sole power of removing the abuses of the Legislature when that body tyrannizes over and seeks to destroy Federal society, and to annihilate the executive authority.

Colombians All, and especially those of Bogota and Cundinamarca! The Government assures you the complete exercise of your guarantees; the prosperity and security of your persons will be sacredly protected as long as you remain submissive to the legal and constitutional rule. Very soon this anomalous state of national affairs will terminate, that is to say with the reassembling of the Congress extraordinary, to meet when the new elections are decided.

Fellow-citizens! Confide in the purity of the intentions with which I am working to save you and save the nation. Dated in Bogota, in the Government Palace, on the 30th of April, 1867, the fifty-second year of our independence.

(Signed) TOMAS C. DE MOSQUERA.

### The National Republican Committee.

Governor Ward, Chairman, and several of the members of the National Republican Committee, met on Monday with a quorum of the Congressional Union Republican Committee, in this city. Their session was protracted and earnest, and will result in a call for a meeting of the National Committee at an early date. The discussions were harmonious and friendly throughout, and on the great questions of the conduct of the national campaign and the more specific work of thoroughly and systematically canvassing the South, there were evinced perfect concord and unison. Efficient and energetic measures will soon be perfected for the dissemination of Republican principles and arguments throughout that section of our land so long closed to mails, newspapers, and free speech. The meeting broke up at a late hour, the members parting with much good feeling and many congratulations, confident from the past and hopeful of the future.

—The newest idea which has occurred to hatters is to call their business headology, and, of course, "Who's your hatter?" must now be, "Who's your headologer?"

### *THE TURF.*

GREAT TROTTING ON THE FASHION COURSE—BRUNO AND BRUNETTE BEAT THE BEST TIME ON RECORD IN DOUBLE HARNESS.

The Fashion Course was yesterday the theatre of one of the finest performances that ever took place on a trotting track, it being a successful attempt to beat the time made by Mr. Bonner's celebrated team, Lady Palmer and the Flatbush Mare, by Mr. Harker's Bruno and Brunette. On the 10th of May, 1862, Mr. Bonner's team, without having received any preparatory training, trotted one mile over the Union Course to a road wagon in 2·26, and on the 13th of the same month, two miles in 5·01¼—one of the quarters in the second trial being trotted in thirty-three seconds. Since then no team in the country was deemed able to compete with these renowned mares, and no one ventured to dispute their supremacy until recently, when Mr. Harker, entertaining the opinion that his team was equally swift, resolved to test their ability by giving them a public trial against time. Yesterday afternoon was the time selected for that purpose, and the trial took place immediately after the match between Toronto Chief and Rapid was decided. Mr. Harker's horses are bays, brother and sister, the horse six years old and the mare eight. They are extremely bloodlike in appearance, and well bred in reality; and their brilliant performance yesterday goes far to sustain the now prevalent and still growing opinion that the nearer the trotting-horse approaches the thorough-bred the more valuable he becomes. When Bruno and Brunette made their appearance on the track they caused a great deal of speculation among those present. Visitors were by no means so numerous as they would have been had it been generally known that the trial was to have taken place; but as it was the affair was witnessed by a goodly number, who appeared highly elated at the result, particularly as the previous general impression was that the attempt would prove abortive. They were exercised on the track for some time before the final trial, and trotted finely together, but not quite so steadily as was desirable in horses that had so great an undertaking as to beat 2·26 before them. The wind also was against them, the opinion of the most competent judges on these matters being that it was fully as much as two seconds to their disadvantage. However, when all was in readiness and they had struck a telling and steady pace, they came up to the stand for the word and trotted around the entire mile without skip or break in the unparalleled time of 2·25¼, as ascertained from several persons who timed them, and also from Messrs. Harker, Carpenter, and McLoughlin, who were in the stand. The first quarter was trotted in 38¼ seconds, and the half mile in 1·11¼. They were handled by Mr. John Lovett, and driven most skilfully throughout the race.—*New York Herald.*

### Elopement of a Methodist Minister.

TROY, June 11.—The quiet village of North Adams, Mass., was thrown into the wildest excitement on Sunday last, by the discovery that the Rev. S. A. Merrill, the late pastor of the Methodist church at that place, had eloped with a beautiful and interesting young lady named Houghton, leaving a wife and nine children. It seems that both parties had been absent from the village since Wednesday last, but as the young lady had told her parents that she was going to visit a friend in the neighborhood, and Mr. Merrill had lately been appointed to another charge, rendering his absence from home necessary a considerable portion of the time, no suspicions were aroused until Sunday, when the failure of either party to appear, taken in connection with the remembrance that there had been some former scandal in relation to them, suggested that there must be something wrong. Accordingly, on Monday morning, the friends of the young lady came to this city, and found that on Wednesday night last Mr. Merrill had put up at the Troy House, registering his name as S. A. Merritt, of New York, and that on Thursday night he had stopped at the American. From this it appears that the young lady did not reach Troy until Friday, tarrying here only for a short time, and leaving for the West on the same day. During Thursday Mr. Merrill made one or two attempts to borrow money, and was refused, $30 being the sum that he desired. Whether he finally succeeded in "raising the wind" we did not learn, but a report received from Utica yesterday states that he had stopped in that city and was again trying to borrow money. He procured a ticket on the Central Railroad from a conductor on the Troy and Boston road, with whom he was acquainted, telling him that he did not know whether he would go to Utica or farther west, and would pay for it when he returned. The brother and brother-in-law of Miss Houghton were in the city this morning, and intend to give the reverend villain pursuit and a warm greeting when they overtake him. The young lady is but 16 years of age, and, in addition to being one of the most beautiful and accomplished young ladies of North Adams, is most respectably connected. Mr. Merrill is well known throughout the Troy Conference as a preacher of remarkable eloquence and power, and has occupied some of the most important stations within its limits.

### *A SPEECH BY JEFFERSON DAVIS.*

The only speech Jefferson Davis has yet made in Canada, was delivered in Niagara during his visit to that place—when he was serenaded by the band of the town, and a large number of the townspeople. They were invited into Mr. Mason's house, where Mr. Davis was staying, and introduced to that gentleman, who expressed his thanks in the following brief speech:—

"Gentlemen:—I thank you sincerely for the honor you have this evening shown to me; it shows that true British manhood to which misfortune is always attractive. May peace and prosperity be forever the blessing of Canada, for she has been the asylum for many of my friends, as she is now an asylum to myself. I hope that Canada may forever remain a part of the British Empire, and may God bless you all, and the British flag never cease to wave over you."

### From Fortress Monroe.

FORTRESS MONROE, June 10.—The steamship Emily B. Souder arrived yesterday afternoon from New York, *en route* for Charleston, South Carolina, having been ordered here to take on board Companies B and H, 5th United States Artillery, and B and C, 29th United States Infantry, which have formed part of the garrison of the Fortress for many months past. The work of embarkation progressed through last evening and early this morning, and at 11 o'clock the steamer sailed for her destination, amidst the waving of many tender adieus by the officers and ladies of the garrison who remain behind. General Burton and several of his officers proceed to Charleston by rail in a few days, their attention having been required to settle their accounts and papers. Major Lyman Bissell, lately the President of the Registration Board in Norfolk, went in command of the troops. Lieutenant-Colonel George Gibson, Inspector-General of Schofield's staff, has been assigned to the command of the District of Fortress Monroe.

General H. A. Pierce, of Washington, D. C., is about starting on a stumping tour through the different counties of Virginia, designing to speak on Reconstruction, and other questions now agitating the public mind. He commences to-morrow in Portsmouth, and then visits in succession Suffolk, Smithfield, Hampton, Elizabeth city, Yorktown, Williamsburg, Charles City Court House, Sussex Court House, Charlottesville, James City, and other Virginia towns and villages.

Samuel Collyer, the noted pugilist, who is to take part in the prize fight on Thursday, goes to Norfolk to-night for the purpose of having an exhibition at the Varieties Theatre.

### Billiards—Score of the Championship Match.

Montreal, June 11.—At the billiard match last night Dion beat McDevitt by 684 points. Time of the game, 2 hours 47 minutes. The winner's average was 20 2-14; loser's average, 11. The best runs by Dion were 616, 177, 123, 118; by McDevitt, 220, 218.

# SECOND EDITION

## FROM EUROPE BY THE CABLES.

### Financial and Commercial Report to Noon To-Day.

LONDON, June 12—Noon.—Consols for money, 95; United States Five-twenties, 73; Illinois Central, 79; Erie Railroad, 40.

LIVERPOOL, June 12—Noon.—Cotton opens quiet. The estimated sales for to-day are about 10,000 bales; middling uplands, 11⅛d.; middling Orleans, 11⅜d.; Corn, 35s. 9d.; Tallow, 43s. 6d.; Linseed oil, 41s.

SOUTHAMPTON, June 12—Noon.—The steamer Germania arrived at 2 P. M. yesterday.

[SECOND DESPATCH.]

LIVERPOOL, June 12—2 P. M.—The steamer Manhattan, from New York on the 1st, has arrived.

The barque Merrimac, Captain Marshall, from Messina for Philadelphia, had put into Gibraltar leaky.

LONDON, June 12—2 P. M.—Consols, 95; U. S. Five-twenties, 72⅞; Illinois Central, 78⅞; Erie Railroad, 40.

LIVERPOOL, June 12—2 P. M.—Cotton is firmer. Sugar steady. Other articles unchanged.

## THE ASSASSINATION TRIAL.

### The Trial of John H. Surratt—This Day's Proceedings.

WASHINGTON, June 12.—The trial of John H. Surratt, indicted for the murder of the late President Lincoln, was resumed this morning in the Criminal Court, Judge Fisher presiding. The interest in the case continues, and the crowd in attendance to-day was as large as upon any previous occasion, although the Court was announced to convene an hour earlier than usual. The prisoner was brought into Court shortly after nine o'clock, and assigned to a seat beside his counsel. His brother Isaac Surratt accompanied the prisoner into Court, and occupied a seat near him.

The Court was formally opened a short time before ten o'clock. Judge Fisher stated to the bar that he could not be present at nine o'clock, as he had expected, on account of being much indisposed.

After the names of the jurors had been called, Judge Fisher said that, in regard to the motion of the District Attorney, challenging the array, and to quash the jury panel upon the affidavit of Mr. Samuel Douglass, he had considered the arguments of the counsel on both sides, and would now proceed to pronounce his opinion on the motion.

The Judge then delivered the following opinion:—

"The United States vs. John H. Surratt, indicted for murder. Motion of the District Attorney to quash the array, grounded upon the affidavit of Samuel Douglass, Register of Washington City. The act of Congress, approved June 16, 1862, entitled 'An act for the selection of jurors to serve in the several Courts of the District of Columbia,' provides for the selection of jurors in the following manner:—

The Clerk of the Levy Court is also required to make a list by the same time, and in the like manner, from such persons qualified to serve as jurors who reside in that portion of the district not included in either of the cities of Washington or Georgetown. And the Clerk of the city of Georgetown is required to make at the same time, and in the same manner, a list of persons qualified to serve as jurors from citizens of similar qualifications residing in Georgetown.

First. It makes it the duty of the Register of the City of Washington, on or before the 1st day of February, to prepare a list of such of the white male citizens, tax-payers, residing within this city, whom he may deem best qualified to serve as jurors, in which he may include the names of such qualified persons as were on his list for the previous year, but who did not serve as jurors.

And each of these officers is required to preserve such list, so made, in the archives of his office, and to transmit the same to his successor. The making of these several lists is to be the work of each officer in his separate official capacity. The lists for the three principal divisions of the District being thus prepared, it is made the duty of these three officials to act together and select, in their joint capacity, from the lists so prepared as aforesaid by the Register of Washington City, the names of four hundred persons and from the Georgetown list the names of eighty persons, and from the list prepared by the Levy Court the names of forty persons.

The first section, which imposes the duty of preparing the lists of qualified jurors, treats of that duty as the duty of these officers respectively. Each one is, in the express language of the act, "to make a list," and each one is permitted, by the law, to place upon his list the names of such qualified persons as were on the lists of the previous year, as "in the discretion of the officer making the same" may seem proper. The lists are to be made by them and kept by them respectively, each one preparing and having the charge and safe keeping of his own list of the persons for his respective district. About this there can be no doubt, and, indeed there is no controversy in this case.

When we come to the second section of the act which provides for the number of names to be selected from these several lists of persons qualified to serve as jurors, persons of whose qualifications each of these officers is to judge severally within his own jurisdiction or precinct. We find that the Legislature no longer uses the words respective or respectively, but proceeds to declare, *in ipsissimis verbis*, that the officers aforesaid, *all* of them, not one or two, but *all three* of them, shall select from the list of the Register of Washington city, the names of four hundred persons; from that of the Clerk of Georgetown, eighty persons; and from that of the Clerk of the Levy Court, forty persons.

While the work of preparing the three lists is the severest labor of the officers, independent of one another, the work of selecting the five hundred and twenty names is devolved upon the officers aforesaid, the whole three conjointly. It may not, perhaps, be necessary that they should all three meet together, and at the same time and place agree upon the four hundred names to be taken from the Washington list, or the eighty from the Georgetown list, or the forty from the county list; but certain it is that all the officers aforesaid shall select the number of names prescribed by the statute. If one of the clerks only shall make the selection from the list prepared by himself, or even if two of them shall make the selection, this will not meet the requirements of the law.

The principle has been too well established by a long current of decisions to be now questioned, that when the law enjoins upon three or more the duty of performing an act without giving to a majority the power to act in the premises, all must act, or the action of those who do act is a nullity; and there is not in the statute in question one single word or syllable that looks in the least towards a selection to be made from the three lists, or any of them, except by the united judgment of the three officers upon whom the duty is imposed. It is just as certain, therefore, that the entire three must act in making the selection of the five hundred and twenty names for jurors as that each of the Clerks and Register is to prepare his own lists severally.

After these 520 names shall have been selected by the officers aforesaid, then the fourth section of the act of Congress further provides that the names selected from said lists shall be written on separate and similar pieces of paper, which shall be rolled or folded up so that the names cannot be seen; and placed in a box to be provided by the Register and Clerks aforesaid, which box shall be sealed, and, after being thoroughly shaken, shall be delivered to the Clerk of this Court.

The fifth section provides that when juries are needed for any of the Courts during the year, the Register and the City Clerks and the Clerk of this Court shall meet at the City Hall, and such juries shall be drawn by the Clerk of this Court, who is to publicly break the seal of the box, and proceed to draw the requisite number of names.

Such are, briefly stated, the provisions of the act of Congress upon which the motion in this case to quash the array is rested, as I understand them, and as I apprehend they must be understood by everybody possessed of ordinary capacity, and free from the bias of interest or prejudice. There can be no other construction put upon these provisions which will not do violence to, and, indeed, utterly pervert the language used by the Legislature to convey their intention.

In enacting these provisions it was doubtless the intention of Congress no longer to leave in the hands of one man, the Marshal, or any other single man, the power of selecting juries in whole or in part, except in the exigencies of certain cases, for which they provided in the same act, and which cases are of rare occurrence.

This power, vested oftentimes in Marshals and Sheriffs, nobody doubts had theretofore been often grossly abused, and in many instances made the instrument of injustice and wrong; and Congress thought it would better serve the purposes of justice if it should substitute the combined selective power of three or four officers—the Register of Washington city, the Clerk of Georgetown, the Clerk of the Levy Court, and the Clerk of the Supreme Court, in the place of the much-abused and arbitrary solitary power of the Marshal. This language, in my judgment, expresses the intention as clearly as any idea can be pictured by the English language. Each of these officers were doubtless intended to act as a safeguard against any abuse which the partiality, bias, or corrupt disposition of the other might possibly allure him to commit.

The affidavit of Samuel Douglas, the Register of Washington City at the time of the selection in January or February last of the names from which the present panel of jurors is taken, shows:—

First, That neither the clerks of the Georgetown nor of the Levy Court saw one single name on his list, much less aided or co-operated with him in selecting the four hundred which the law requires; that these three officers aforesaid should select, and that he did not see a single name upon the list of either of the others, or co-operate in selecting from their lists.

On the contrary, it shows that each of these three officers put into the box the number of names specified in the act for their respective jurisdictions, each independently of the other, and without the slightest regard to the judgment or consent of the other two. The affidavit further shows that, after the selection of the names to be put into the box had been thus made, in utter disregard of the requirements of the act of Congress in that behalf, instead of sealing up the box and thoroughly shaking it, and then depositing it with the Clerk of the Supreme Court, as required by the fourth section, and then meeting afterwards in the office of the Clerk of the Court to witness him break the seal and draw the names of the Jurymen for the present term of this Court, as provided for in the fifth section of the act, the Clerk of Georgetown city at the same time though in the presence of the Clerk of the Court and the other officers, proceeded to draw from the box the name of this present panel, to which challenge is now made. This was also a most reprehensible disregard of the plain provisions of the act. These are the facts upon which this application to quash the array is grounded.

The question presented by the law and the facts, which are all admitted by the demurrer, for the decision of the Court, is twofold in its character.

First, Does the law of Congress require that the judgment of all three of the officers named therein should either united or severally, pass upon the entire two hundred and fifty names required to go into the box, or does it only require that the Clerk of Georgetown only should pass judgment in selecting the eighty names from that city, the Clerk of the Levy Court upon the forty to be chosen from the rural portion of this district, and the Register of Washington, to select alone the four hundred to be taken from this city?

Secondly, Whether, if the act of Congress does require the judgment of all three of these officers to be exercised in the selection of the entire five hundred and twenty names to be placed in the box, he placing them there in manner described by Mr. Douglass in his affidavit is the cause of the principal challenge to the array.

I am clear in my conviction that the law requires the united judgment of the three officers named in the act, in the selection of the entire number of names to be placed in the box, for the reasons that I have already mentioned. So, then, the several action of each of these officers in selecting exclusively from his own list and not even looking at the lists of either of the others, or even knowing any of the names taken from these lists to be placed in the box, as sworn to by Mr. Douglass and admitted by the counsel for the prisoner, is a ground, in law, upon which to set aside the array.

It is argued by the counsel for the prisoner that it is not, that nothing except a defect in the summoning of a jury by the Sheriff is principal cause of challenge to the array. In England, by the common law which we have inherited from our British ancestors, and which is the law in this District, by which we are to be governed in the decision of this question, and the case of the Queen vs. O'Connell and others, has been cited by the counsel for the prisoner at the bar, as conclusive of the question in this case. I confess that my veneration for the common law of England may sometimes run into a weakness, but the day is long passed with me, and should be with everybody, when decisions of courts and mere arbitrary utterances of text writers, however "hoary with age or exalted in position," are to be accepted as Procrustean beds on which other courts and other people are bound to set themselves, with or without reason. With me no decision is of weight that lacks of reason for its solid foundation, unless it be the decision of a superior court that holds a mastery over me, whose mandates, right or wrong, reasonable or unreasonable, I am compelled by law to obey.

### Decision of Judge Fisher.

WASHINGTON, June 12.—In the case of Surratt, Judge Fisher, of the Criminal Court, quashed the array, having granted the motion of the United States.

He discharged the present jury, and ordered twenty-six talesmen to be summoned, in order to select a new one. The Court then adjourned.

### Fire at Lockhaven, Pa.

LOCKHAVEN, Pa., June 12.—A fire broke out in the rear of the Fallon House, at this place, about 4 o'clock this morning, entirely destroying White's Hotel, Leser's drug store, several small buildings, and part of the Fallon House. A livery stable containing sixteen horses was destroyed, and the horses all burned. Part of Shaw, Towns & Co.'s steam saw-mill was also burned. The flames spread to the adjacent lumber yard, destroying one million feet of lumber. The loss is estimated at $40,000.

### Departure of a Raft for Europe.

NEW YORK, June 12.—The raft Nonpareil, for Europe, cleared the bar at Sandy Hook with a fair wind, at quarter past seven o'clock this morning.

### Ship News.

BOSTON, June 12.—The brig Levi, of and from Boston, May 23, for San Francisco, put into Provincetown last night, leaking at the rate of 5000 strokes per hour in a rough sea. The leak is in the rudder post, which will be repaired, and the vessel proceed on her voyage again.

### Markets by Telegraph.

NEW YORK, June 12.—Stocks strong. Chicago and Rock Island, 90¼; Reading, 107⅛; Canton Company, 44⅝; Cleveland and Toledo, 117⅝; Cleveland and Pittsburg, 76⅝; Pittsburg and Fort Wayne, 97⅛; Michigan Central, 112⅛; Michigan Southern, 69; New York Central, 102⅝; Illinois Central, 120; Cumberland preferred, 30¼; Virginia 6s, 67⅛; Missouri 6s, 98¼; Hudson River, 108⅛; United States Five-twenties 1862, 109⅞; do. 1864, 106⅛; do. 1865, 106⅜; Ten-forties, 99⅝; Seven-thirties, first issue, 106½; all others, 105¾. Money, 7 per cent. Sterling exchange, 110⅛; sight, 110⅝. Gold, 137⅝.

SALE OF REAL ESTATE.—The following real estate was offered for sale at the Philadelphia Exchange, by James A. Freeman, commencing at noon to-day, with the annexed result:—

| | |
|---|---|
| Share Mercantile Library | $8·37½ |
| Ground-rent of $78 per annum | $1220 |
| Dwelling, No. 1804 Seybert street | $500 |
| Dwelling, No. 1808 Seybert street | $450 |
| Dwelling, No. 1810 Seybert street | $475 |
| Dwelling, No. 1812 Seybert street | $475 |
| Dwelling, No. 1814 Seybert street | $475 |
| Dwelling, No 1816 Seybert street | $1105 |
| Dwelling, No. 1818 Seybert street | $1100 |
| Dwelling, No. 1820 Seybert street | $525 |
| Dwelling, No. 1822 Seybert street | $525 |
| Dwelling, No. 1824 Seybert street | $1100 |
| Dwelling, No. 1826 Seybert street | $1090 |
| Dwelling, No. 1237 N. Nineteenth street | $1100 |
| Dwelling, No. 1239 N. Nineteenth street | $1125 |
| Dwelling, No. 1241 N. Nineteenth street | $1400 |
| Dwelling, No. 1417 Mervine street | $600 |
| Dwelling, Fifth street, above Dauphin | $900 |

## FINANCE AND COMMERCE.

OFFICE OF THE EVENING TELEGRAPH, Wednesday, June 12, 1867.

There was more disposition to operate in stocks this morning, and prices were rather firmer. Government bonds continue in fair demand. 1865 5-20s sold at 106⅜, no change; and July 1865 5-20s at 109⅜, an advance of ⅛. 109⅝ was bid for 1862 5-20s; 99⅞ for 10-40s; and 105⅞@106⅛ for June and August 7·30s. City loans were unchanged.

Railroad shares continue the most active on the list. About 4000 shares of Reading sold at from 53⅝@53 81-100, an advance of ⅛; Pennsylvania Railroad sold at 52, a slight advance; Camden and Amboy at 129½, an advance of ½; and Lehigh Valley at 60, an advance of ½.

In City Passenger Railroad shares there was very little doing. Spruce and Pine sold at 26½. 65 was bid for Tenth and Eleventh; 65 for West Philadelphia; and 12½ for Hestonville.

Canal shares were firmly held. Lehigh Navigation sold at 47¾, no change, and Susquehanna Canal at 17, an advance of ½. 19½ was bid for Schuylkill Navigation common, and 56½ for Delaware Division.

Quotations of Gold—10½ A. M., 137¾; 11 A. M., 137½; 12 M., 137⅝; 1 P. M., 137¾.

—The N. Y. *Tribune* of this morning says:—

"The *Financial Chronicle* seems to be troubled at the good management of the Treasury in the matter of funding the debt, and brings little intelligence to bear in its explanations of the variations in the price of 5-20s. It says:—

'He has converted and sold for cash more than $61,000,000 of 5-20 bonds, and has sold them at a low price in order to attract buyers, and to get rid of them at the average rate of $2,000,000 a day. He has made a concession in price in order to stimulate purchases. That the Secretary has sold these bonds for less than they would have fetched if they had not been hurried into the market, is proved by the fact that during the three or four days which have elapsed since he stopped selling, the price has gone up ¾ per cent.'

"The Secretary has made no concession. The new issue of 5-20s sold May 8 at 107⅛@107¼, and has steadily advanced in the face of what *The Chronicle* calls 'sacrifice' and 'concession.' The new issue steadily advances chiefly from the fact that a coupon in gold will be due on the 1st of July. The Secretary is steadily moving towards specie payments, to the damage of a large number of speculators in stocks and commodities, who find an outlet for their complaints in such remarks as *The Chronicle* and *Times* make upon his administration.

"There are more 'To Lets' to be seen in business streets than have been noticed for several years, and prices of real estate, except for special locations, favor the buyer. The demand for property is mainly confined to 'medium,' and fancy descriptions cannot be placed except at a concession. The high prices paid for building materials have given way, and quotations tend downward. The variations since May 21 are shown by the following table:—

PRICES OF BUILDING MATERIAL.

| | *May 21.* | *June 10.* | *Declined.* |
|---|---|---|---|
| Brick, common, per M. | $13@13·50. | $8·50@10. | $4·50@3·50 |
| Philadelphia, do. | 65@ — | 52·50@55 | 12·50@— |
| Lime, common, bbls. | 1·20@ — | 1·25@— | 35@— |

—A Washington despatch says:—

"On Saturday last the United States Treasury held the largest amount of money ever held at any one time since the organization of the Government, to wit: $180,000,000, of which $102,000,000 were gold, and $78,000,000 currency. This amount was reduced $10,000,000 to-day by the maturing of the June compounds and interest, and on the 15th instant will be reduced $9,000,000 more by the interest on the June Seven-thirties. The Internal Revenue receipts on Monday were $876,785·98, and for the first ten days in June are $7,487,700·38, indicating that the estimate of $25,000,000 for June will be fully reached, as the income tax is now daily swelling the receipts."

PHILADELPHIA STOCK EXCHANGE SALES TO-DAY

Reported by De Haven & Bro., No. 40 S. Third street

FIRST BOARD.

| | | | | |
|---|---|---|---|---|
| $5000 5-20s '65..cp. | 106⅜ | | 5 sh Reading...s5. | 53⅝ |
| $1000 do..'65..Jy..c. | 109⅜ | 100 | do...s60. | 53⅝ |
| $500 do..'65..Jy..c. | 109⅜ | 200 | do...c. | 53⅝ |
| $500 do..'65..Jy..c. | 109⅜ | 200 | do...c. | 53⅝ |
| $1000 C & A 6s, '83 | 88 | 400 | do. | 53⅝ |
| $1000 do...s5. | 89 | 100 | do...s60. | 53⅝ |
| $150 Sch N 6s, '82 | 78 | 600 | do...ls. | 53⅝ |
| $1000 Susq Cl Bs.b5wn. | 68¼ | 100 | do...c. | 53⅝ |
| 7 sh Cam & Am. | 129½ | 200 | do...s60. | 53⅝ |
| 10 sh Leb N stk. | 47¾ | 600 | do...ls.s10. | 53⅝ |
| 39 sh Leb V R. | 59 | 100 | do...b5. | 53·81 |
| 600 sh Susq Cl...b5. | 17 | 500 | do...s5wn. | 53⅝ |
| 82 sh Penna R...ls. | 52 | 100 | do...s60. | 53⅝ |
| 100 do. | 52 | 100 | do...b30. | 53·81 |
| 102 do...ls. | 52 | 100 | do...s5. | 53·81 |
| 3 do...s5. | 52 | 200 | do...s60. | 53⅝ |
| 50 do...b5. | 52 | 400 | do...s10. | 53⅝ |

—Messrs. De Haven & Brother, No. 40 South Third street, report the following rates of exchange to-day at 1 P. M.:—U. S. 6s of 1881, 112⅜@112⅝; do. 1862, 109⅝@110; do., 1864, 106⅛@106⅜; do., 1865, 106⅜@106⅝; do., 1865, new, 109⅜@109⅝; do. 5s, 10-40s, 99⅞@par; do. 7·30s, Aug., 106⅛@106⅜; do., June, 105⅞@105⅛; do., July, 105⅞@105⅛; Compound Interest Notes, June, 1864, due; do., July, 1864, 118⅜@119⅛; do. August, 1864, 118⅛@118⅜; do., October, 1864, 117⅜@117⅝; do., December, 1864, 116⅜@116⅝; do., May, 1865, 116@116½; do., Aug., 1865, 115@115½; do., September, 1865, 114½@115; October, 1865, 114@114½; Gold, 137¼@137⅝. Silver, 130½@132.

### Philadelphia Trade Report.

WEDNESDAY, June 12.—The dormant condition of the Flour Market noted for some time past still continues, but prices remain without quotable change. The demand is entirely from the home consumers, who purchased a few hundred barrels at $8@9·00 ⅌ barrel for superfine; $9@10·00 for extras; $10@12·50 for Northwestern extra family; $11@13·00 for Pennsylvania and Ohio do. do.; and $14@17·00 for fancy brands, according to quality. The last sale of Rye Flour was at $7·50. 500 barrels Brandywine Corn Meal sold on secret terms.

The Wheat Market is in such an unsettled condition that it is impossible to give anything like correct quotations. Rye may be quoted at $1·50@1·55 ⅌ bushel. Corn is dull at the prices quoted yesterday; sales of yellow at $1·08@1·10; and 1400 bushels Western mixed at $1·07. Oats are selling in a small way at 75c. Nothing doing in either Barley or Malt.

Whisky—The sales are unimportant.

## LATEST SHIPPING INTELLIGENCE.

PORT OF PHILADELPHIA.....JUNE 12.

STATE OF THERMOMETER AT THE EVENING TELEGRAPH OFFICE.

7 A. M.....61 | 11 A. M.....74 | 2 P. M.....78

*For additional Marine News see Third Page.*

CLEARED THIS MORNING.

Brig Charles Wesley, Force, Boston, Warren, Gregg & Morris.
Brig Keystone, Baxter, Portsmouth, Workman & Co.
Schr Isabel, Smith, Halifax, E. A. Souder & Co.
Schr M. Fillmore, Chase, Boston, D. Cooper & Co.
Schr C. C. Pettingill, Allen, Boston, do.
Schr Franklin, Tice, Millville, Whitall, Tatum & Co.
Schr Bonny Boat, Kelly, Boston, M. S. Buckley.
St'r W. Whilldin, Riggans, Baltimore, J. D. Ruoff.
St'r Millville, Renear, Millville, Whitall, Tatum & Co.

ARRIVED THIS MORNING.

Steamship Wyoming, Teal, 70 hours from Savannah, with cotton, etc., to Philadelphia and Southern Mail Steamship Co. Passengers—Mrs. E. Miller and three children, Miss Mary Miller, Miss Louisa Brown, C. M. Wheatleigh, wife, and infant, Mrs. F. W. Cornwell and two children, Mrs. J. M. Barnard, Miss Barnard, Mrs. Flye, Mrs. Husey and child, John McDermott, wife, and two children, Rev. O. P. Thackara, Messrs. J. M. Barnard, Jr., E. Frank, Joseph Pugh, J. Malone, John Houston, E. T. Green, Mrs. F. Stein, Miss Harvey, M. Davidson and wife, and thirteen on deck.

Ship Charles Davenport, Stevens, from Liverpool 24th April, with mdse. to John R. Penrose. Towed up by tug America.

Ship Samoset, McCobb, from Liverpool 14th March, with mdse. to P. Wright & Sons.

Prus. barque Margaretha Blanca, Hoepner, 3 days from New York, in ballast to L. Westergaard & Co.

Brem. barquentine Emma, Herboth, 33 days from Bremen, with mdse. and 10 passengers to captain.

Br. brig Clyde, Wimers, 11 days from Windsor, N. S., with plaster to C. C. Van Horn.

Schr Palma, ——, 17 days from Cienfuegos, with molasses. The P. is bound to New York, and put in for repairs, having sprung a leak off Hatteras.

Schr E. H. Hamilton, Smith, 10 days from Windsor, N. S., with plaster to C. C. Van Horn.

Schr Pioneer, Lothrop, 5 days from Boston, with mdse. to Crowell & Collins.

Schr White Swan, Collins, 7 days from Calais, with plaster to E. A. Souder & Co.

Schr E. F. Crowell, Freeman, 4 days from Provincetown, with mdse. to G. B. Kerfoot.

Steamer J. S. Shriver, Dennis, 13 hours from Baltimore, with mdse. to A. Groves, Jr.

Steamer W. Whilldin, Riggans, 13 hours from Baltimore, with mdse. to J. D. Ruoff.

Steamer Millville, Renear, 24 hours from New York, with mdse. to Whitall, Tatum & Co.

*Correspondence of the Philadelphia Exchange.*

LEWES, Del., June 10—9 P. M.—Two ships, a three-masted brigantine, and two brigs came in and stood up to-day. Three barques and a brig came down this forenoon, and are anchored in the roadstead. A storm prevails from NE., and the heavy sea now running prevents all communication between the shore and Breakwater.

The schr Sarah J. Willis, from Lynn for Philadelphia, in ballast was blown ashore this afternoon four miles south of Cape Henlopen, and in landing from her the boat capsized, whereby the mate and two seamen were drowned. The captain and boy swam ashore. Vessel full of water, and will probably prove a total loss; sails, rigging, etc., will be saved.

JOSEPH LAFETRA.

MEMORANDA.

Schr General Peavey, Armstrong, from Lubec for Philadelphia, at Holmes' Hole 8th inst., and sailed again 10th.

Schrs J. Williamson, Jr., Corson, and R. Carleton, Harrington, for Philadelphia, sailed from Providence 10th inst.

Schr M. Williamson, Lake, for Philadelphia, cleared at New York yesterday.

Schr M. Tilton, Fritzinger, for Philadelphia, sailed from Salem 8th inst.

Schrs L. D. Small, Tice, and Nellie D. Shellhorn, hence, at Danvers 5th inst.

Brig C. Matthews, from Newport for Philadelphia, put into Norfolk 10th inst., for a harbor, having been blown off.

Schr Leesburg, from Portland for Delaware Breakwater, put into Fortress Monroe 11th inst., leaking badly, having encountered severe NE. gales.

[BY TELEGRAPH.]

NEW YORK, June 12.—Arrived, steamship America, from Bremen 29th ult.

FORTRESS MONROE, June 10.—The steamship Gen. McClellan, which arrived to-day from Boston, reports having experienced a rough passage. A large fleet of vessels is detained in Hampton Roads, awaiting an opportunity to sail.

DOMESTIC PORTS.

NEW YORK, June 11.—Arrived, steamship Arizona, Maury, from Aspinwall.

Ship Glad Tidings, Thompson, from Newport.
Barque L. Morrow, Frazer, from Antwerp.
Barque Rhea, Buckholts, from Antwerp.
Barque Star King, Anderson, from Palermo.
Barque Eugenio, Castellano, from Dunkirk.